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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,894	01/09/2002	Yushi Ihara	450101-02897	9637
20999 7590 09/28/2007 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER SHEPARD, JUSTIN E	
			ART UNIT 2623	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/890,894

Applicant(s)

IHARA, YUSHI

Examiner

Justin E. Shepard

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/23/07 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tateyama in view of Chiba in view of Kawamoto.

Referring to claim 1, Tateyama discloses a data reception apparatus comprising:

picture processing means for doing pre-set picture processing using picture data from a data source side (column 41, lines 41-42);

input/output means for being fed from said data source side with picture data comprehended in a packet conforming to the IEEE 1394 standard (figure 1A) and for outputting a response packet responsive to a command packet conforming to the IEEE 1394 standard from the data source side (column 41, lines 39-42 and 22-23); and

control means for controlling said input/output means to transmit to said data source side the profile information indicating a profile coped with by said picture processing means, as search results, responsive to the inputting of a command for searching a profile to said input/output means (column 41, lines 39-44; Note: printer resolution is interpreted as being equivalent to a profile as defined in the applicant's specification),

wherein the control means determines whether to modify the type of picture data from the data source side to the input/output means based on whether the input/output means can accommodate the picture data (column 41, lines 39-44).

Tateyama does not disclose an apparatus wherein the control means does not transmit the picture data from the picture processing means based upon the profile as a premise for transmitting the picture data.

In an analogous art, Chiba teaches an apparatus wherein the control means does not transmit the picture data from the picture processing means based upon the profile as a premise for transmitting the picture data (figure 2, parts S6, S7, and S9;

Note: while it is clear that the data will eventually be transferred, the flow chart shows that on the first pass the data is not transmitted based on the profile (resolution)).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the transmission determination taught by Chiba to the method disclosed by Tateyama. The motivation would have been to stop the device from printing an image that it could not accurately reproduce.

Tateyama and Chiba do not disclose an apparatus wherein picture data is transmitted only when the profile as a premise for transmitting the picture data is met.

In an analogous art, Kawamoto teaches an apparatus wherein picture data is transmitted only when the profile as a premise for transmitting the picture data is met (column 16, lines 40-53; figures 20 and 21).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the print job canceling taught by Kawamoto to the apparatus disclosed by Tateyama and Chiba. The motivation would have been to allow the user to cancel a job, when a resolution lowering was going to occur when the image quality was of the highest priority.

Referring to claim 2, Tateyama discloses a data processing method in doing pre-set picture processing using picture data from a data source side (column 41, lines 41-42), comprising:

a step of being fed from said data source side with picture data comprehended in a packet conforming to the IEEE 1394 standard (column 41, lines 22-23 and 39-44);

a step of outputting a response packet responsive to a command packet conforming to the IEEE 1394 standard from the data source side (column 41, lines 22-23 and 39-44);

a step of transmitting to said data source side the profile information indicating a profile copied with, as search results, responsive to the inputting of a command packet for searching the profile of processable picture data (column 41, lines 39-44).

Tateyama does not disclose a method with a step of determining whether to transmit the picture data from the data source side based on the profile information; and wherein the picture data from the data source side is not transmitted based upon the profile as a premise for transmitting the picture data.

In an analogous art, Chiba teaches a method with a step of determining whether to transmit the picture data from the data source side based on the profile information (column 7, lines 5-8 and 14-31; figure 2, box S6); and wherein the picture data from the data source side is not transmitted based upon the profile as a premise for transmitting the picture data (figure 2, parts S6, S7, and S9; Note: while it is clear that the data will eventually be transferred, the flow chart shows that on the first pass the data is not transmitted based on the profile (resolution)).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the transmission determination taught by Chiba to the method disclosed by Tateyama. The motivation would have been to stop the device from printing an image that it could not accurately reproduce.

Tateyama and Chiba do not disclose an apparatus wherein picture data is transmitted only when the profile as a premise for transmitting the picture data is met.

In an analogous art, Kawamoto teaches an apparatus wherein picture data is transmitted only when the profile as a premise for transmitting the picture data is met (column 16, lines 40-53; figures 20 and 21).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the print job canceling taught by Kawamoto to the apparatus disclosed by Tateyama and Chiba. The motivation would have been to allow the user to cancel a job, when a resolution lowering was going to occur when the image quality was of the highest priority.

Claim 4 is rejected on the same grounds as claim 2.

Referring to claim 3, Tateyama discloses a data transmission device comprising:  
picture processing means for processing picture data input from outside to generate picture data (column 41, lines 41-42);

input/output means for outputting the picture data generated by said picture processing means as the picture data is comprehended in a packet conforming to the IEEE 1394 standard (column 41, lines 39-42 and 22-23; figure 1A); and

control means for managing control for generating a command packet for searching a profile coped with by picture data outputting destination to output the generated command packet from said input/output means to a data reception side, said control means also managing control for changing the type of the picture data output by

said input/output means based on the profile information specifying the search results from said data reception side (column 41, lines 39-44),

wherein the control means determines whether to modify the type of picture data from said outside to the input/output means based on whether the input/output means can accommodate the picture data (column 41, lines 39-44).

Tateyama does not disclose a method wherein the picture data from the outside is not transmitted based upon the profile as a premise for transmitting the picture data.

In an analogous art, Chiba teaches a method wherein the picture data from the outside is not transmitted based upon the profile as a premise for transmitting the picture data (figure 2, parts S6, S7, and S9; Note: while it is clear that the data will eventually be transferred, the flow chart shows that on the first pass the data is not transmitted based on the profile (resolution)).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the transmission determination taught by Chiba to the method disclosed by Tateyama. The motivation would have been to stop the device from printing an image that it could not accurately reproduce.

Tateyama and Chiba do not disclose an apparatus wherein picture data is transmitted only when the profile as a premise for transmitting the picture data is met.

In an analogous art, Kawamoto teaches an apparatus wherein picture data is transmitted only when the profile as a premise for transmitting the picture data is met (column 16, lines 40-53; figures 20 and 21).



At the time of the invention it would have been obvious for one of ordinary skill in the art to add the print job canceling taught by Kawamoto to the apparatus disclosed by Tateyama and Chiba. The motivation would have been to allow the user to cancel a job, when a resolution lowering was going to occur when the image quality was of the highest priority.

Referring to claim 5; Tateyama discloses a data transmission/reception system having a data transmission device and a data reception device; said data transmission device comprising:

first picture processing means for processing picture signals input from outside to generate picture data (figure 1A, part 101);

first input/output means for outputting the picture data generated by said first picture processing means to a picture reception device as the picture data generated is comprehended in a packet conforming to the IEEE 1394 standard (figure 1A, parts 101 and 102; column 7, lines 51-55)); and

first control means for managing control for generating a command packet for searching a profile coped with by picture data reception device to output the generated command packet from said input/output means to said data reception device, said control means also managing control for changing the type of the picture data output by said first input/output means based on the profile information specifying the search results from a data reception side (column 41, lines 39-44);

said data reception device including second input/output means for receiving picture data from said first input/output means as the picture data is comprehended in a packet conforming to the IEEE 1394 standard (figure 1A, part 102), and for outputting a response packet responsive to the command packet conforming to the IEEE 1394 standard from said first input/output means (column 41, lines 39-44);

second picture processing means for performing pre-set picture processing using the picture data input by said second picture processing means (column 41, lines 39-44); and

second control means for controlling said second input/output means, responsive to inputting to said second input/output means command for searching a profile from said second input/output means and for outputting the profile information indicating the profile copied with by said second picture processing means, as search results, to said data transmission device (column 41, lines 39-44).

Tateyama does not disclose a system wherein the first control means does not transmit the picture data from the picture processing means based upon the profile as a premise for transmitting the picture data.

In an analogous art, Chiba teaches a system wherein the first control means does not transmit the picture data from the picture processing means based upon the profile as a premise for transmitting the picture data (figure 2, parts S6, S7, and S9; Note: while it is clear that the data will eventually be transferred, the flow chart shows that on the first pass the data is not transmitted based on the profile (resolution)).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the transmission determination taught by Chiba to the method disclosed by Tateyama. The motivation would have been to stop the device from printing an image that it could not accurately reproduce.

Tateyama and Chiba do not disclose an apparatus wherein picture data is transmitted only when the profile as a premise for transmitting the picture data is met.

In an analogous art, Kawamoto teaches an apparatus wherein picture data is transmitted only when the profile as a premise for transmitting the picture data is met (column 16, lines 40-53; figures 20 and 21).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the print job canceling taught by Kawamoto to the apparatus disclosed by Tateyama and Chiba. The motivation would have been to allow the user to cancel a job, when a resolution lowering was going to occur when the image quality was of the highest priority.

Referring to claim 6, Tateyama discloses a data reception apparatus comprising:  
a picture processing section for doing pre-set picture processing using television picture data from a television signal reception side (figure 1A; column 7, lines 51-64; column 41, lines 41-42; Note: Video from a VCR or DVD player is interpreted as being equivalent to picture data from a television signal);

an input/output section fed from said television signal reception side with said television picture data comprehended in an FCP (Function Control Protocol) packet

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(column 2, lines 46-54) conforming to the IEEE 1394 standard (figure 1A) and for outputting a response packet responsive to a command packet conforming to the IEEE 1394 standard from the television signal reception side (column 41, lines 39-42 and 22-23); and

a controller for controlling said input/output section to transmit to said television signal reception side profile information indicating a profile coped with by said picture processing section, as search results, responsive to the inputting of a version command packet for searching a profile of printable picture data to said input/output section (column 41, lines 39-44),

wherein the controller determines whether to modify the type of picture data from the television signal reception side to the input/output section based on whether the input/output section can accommodate the picture data (column 41, lines 39-44).

Tateyama does not disclose an apparatus wherein the picture data from the television signal reception side is not transmitted based upon the profile as a premise for transmitting the picture data.

In an analogous art, Chiba teaches an apparatus wherein the picture data from the television signal reception side is not transmitted based upon the profile as a premise for transmitting the picture data (figure 2, parts S6, S7, and S9; Note: while it is clear that the data will eventually be transferred, the flow chart shows that on the first pass the data is not transmitted based on the profile (resolution)).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the transmission determination taught by Chiba to the method disclosed

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by Tateyama. The motivation would have been to stop the device from printing an image that it could not accurately reproduce.

Tateyama and Chiba do not disclose an apparatus wherein picture data is transmitted only when the profile as a premise for transmitting the picture data is met.

In an analogous art, Kawamoto teaches an apparatus wherein picture data is transmitted only when the profile as a premise for transmitting the picture data is met (column 16, lines 40-53; figures 20 and 21).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the print job canceling taught by Kawamoto to the apparatus disclosed by Tateyama and Chiba. The motivation would have been to allow the user to cancel a job, when a resolution lowering was going to occur when the image quality was of the highest priority.

Claim 7 is rejected on the same grounds as claims 3 and 6.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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